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DATE 8-14-92

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999 18th STREET - SUITE 500
DENVER, COLORADO 80202-2466

JUL 13 1992

President
Rockwell International Corporation
Energy Systems Group
P.O. Box 464
Golden, CO 80401

Re: Request for Information
Pursuant to Section 104(e)
of CERCLA for the Colorado
School of Mines Research
Institute Site located in
Golden, Colorado

Dear Sir or Madam:

The United States Environmental Protection Agency, Region VIII (EPA) is currently investigating the source, extent, and nature of the release or threatened release of hazardous substances at or near the Colorado School of Mines Research Institute site (Site) in Golden, Jefferson County, Colorado. This Site is being investigated pursuant to EPA's authority under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986, 42 U.S.C. § 9601 et seq. (CERCLA).

This letter constitutes a Request for Information pursuant to section 104(e) of CERCLA, as amended, 42 U.S.C. § 9604(e).

SITE RESPONSE ACTIVITIES

EPA is presently conducting stabilization activities at the Site which are necessitated by the potable water main break at the facility on January 25, 1992. The Agency will conduct or oversee any response actions required by addressing the findings of sampling analyses conducted at the Site.

REQUEST FOR INFORMATION

EPA's investigation at the Site requires inquiry into the identification, nature, and quantity of materials that have been or are generated, treated, stored, or disposed of at, or transported to or from the Site and the nature or extent of a

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release or threatened release of a hazardous substance or pollutant or contaminant at or from the Site. EPA is also seeking information relating to the ability to pay for or perform a cleanup of the Site.

Pursuant to the authority of Section 104 of CERCLA you are hereby requested to respond to the Information Request set forth in Enclosure I, enclosed herewith.

Compliance with the Information Request set forth in Enclosure I is mandatory. Failure to respond fully and truthfully to the Information Request with thirty (30) calendar days of receipt of this letter, or to adequately justify such failure to respond, can result in an enforcement action by EPA pursuant to section 104(e) of CERCLA. CERCLA permits EPA to seek the imposition of penalties of up to twenty-five thousand dollars (\$25,000) for each day of noncompliance. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001.

EPA is seeking to obtain information from you concerning the nature and extent of hazardous substances generated, treated, stored, or disposed of at the Site, and the nature and extent of any release or threatened release of these substances or contaminants.

Enclosed is a list of questions and requests related to areas and properties which are the subject of investigation. EPA hereby formally requires you to submit to it all information and documentation requested in the list of questions and requests enclosed with this letter as Enclosure I.

Your response must be based on a review of all information available, including documents, interviews, and your best recollection of the events. If you identify or provide copies of records in response to the Request, please describe the author of the records and the current location of the records, as well as the current custodian of the records. If, in answering any of the following questions, information was obtained through employee interviews, so indicate in your letter and provide the names of the employees interviewed.

Pursuant to section 103(d) of CERCLA, 42 U.S.C. § 9603(d), it is unlawful for any person to knowingly destroy, mutilate, erase, dispose of, conceal, or otherwise render unavailable or unreadable or falsify any record which is or may be responsive to the Request. You are also requested to supplement all responses if and when new documents or information become available.

Your response to this Request must be submitted in person or by certified mail, return receipt requested, to:

Maureen O'Reilly, 8HWM-ER
U.S. Environmental Protection Agency
999 18th Street, Suite 500
Denver, Colorado 80202-2405

Your response to this Request must be accompanied by a notarized certificate that is signed and dated by the person who is authorized by you to respond to this Request. The notarized certificate must state that the response submitted to EPA is complete and contains all documents and information responsive to this Request that are known to you following a complete and thorough review of all information and sources available to you. A suggested format for the notarized certificate is included with this Request as Enclosure II.

EPA regulations concerning confidentiality of business information are set forth in Part 2, Subpart B, of Title 40 of the Code of Federal Regulations. In addition, Section 104(e)(7) of CERCLA, 42 U.S.C. § 9607(e)(7), contains additional proscriptions concerning claims of business confidentiality in connection with this Request. Please see Instruction #5 of Enclosure 1 for further information on how to make a claim of confidentiality.

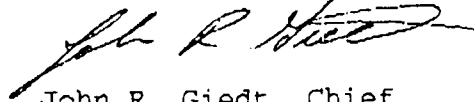
Pursuant to Section 113(k) of CERCLA, EPA must establish an administrative record that contains documents that form the basis of EPA's decision on the selection of a response action for a site. The administrative record files, which contain the documents related to the response action selected for this Site, will be available to the public for inspection and comment. The primary location of the file will be at EPA's Region VIII Office, Superfund Records Room. An additional copy of the record will be made available at a location near the Site. You will be notified when and where the Administrative Record is available. Your review and comments on the contents of the record are welcomed.

The factual and legal discussions contained in this letter are intended solely for notification and information purposes. They are not intended to be and cannot be relied upon as final EPA positions on any matter set forth herein.

Due to the serious legal ramifications should you fail to respond properly, EPA strongly encourages you to give this matter your immediate attention and to respond to this Information Request within the time specified above. If you have any legal or technical questions relating to this Information Request, you may consult with EPA prior to the time specified above. Please direct legal questions to Suzanne Bohan, Attorney, Office of Regional Counsel, at (303) 294-7568. Maureen O'Reilly, Enforcement Specialist is also available to discuss this Request at (303) 294-7505.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "John R. Giedt", written in a cursive style.

John R. Giedt, Chief
Emergency Response Branch

Enclosures

cc w/enc.: Maureen O'Reilly, HWM-ER
Suzanne Bohan, ORC
Michael Holmes, HWM-ER

COLORADO SCHOOL OF MINES RESEARCH INSTITUTE
FIRST INFORMATION REQUEST

Instructions

1. Please provide a separate narrative response to each and every Question and subpart of a Question set forth in this Information Request (Request).
2. Precede each answer with the number of the Question to which it corresponds.
3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response.
4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question to which it responds.
5. The information requested herein must be provided even though the Respondent may contend that it includes confidential information or proprietary information or trade secrets. You may, if you desire, assert a business confidentiality claim covering part or all of the information submitted to EPA pursuant to this Request, provided such claim is allowed by Section 104(e)(7) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 ("CERCLA"), 42 U.S.C. § 9604(e). A confidential business information claim may be asserted in the manner described by 40 C.F.R. § 2.203(b). Information covered by a claim of confidentiality will be disclosed by EPA only to the extent and by means of the procedures set forth at 40 C.F.R. Part 2, 41 Fed. Reg. 36,902 (1976) (amended at 43 Fed. Reg. 40,000 (1978), 50 Fed. Reg. 51,661 (1985)). If no confidentiality claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you.
6. All questions asked in the past tense should be interpreted to apply to the present as well.

Definitions

The following definitions shall apply to the following words as they appear in this Enclosure I:

1. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors, assigns, and agents.

2. The term "person" shall have the same definition as in section 101(21) of CERCLA: an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body.

3. The term "hazardous substance" shall have the same definition as that contained in section 101(14) of CERCLA and includes any mixtures of such hazardous substances with any other substances, including petroleum products.

4. The term "hazardous waste" shall have the same definition as that contained in section 1004(5) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6903(5).

5. The term "materials" shall mean all substances that have been generated, treated, stored, or disposed of or otherwise handled at, or transported to, the Site, including, but not limited to, all hazardous substances, pollutants, and contaminants, hazardous wastes and solid wastes, as defined above.

6. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.

7. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship) to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.

8. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), and the substance or the subject matter.

9. The term "release" has the same definition as that contained in Section 101(22) of CERCLA, 42 U.S.C. § 9601(22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.

10. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, cancelled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording or any type of device, any punch card, disc or disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document.

11. The terms "and" and "or" shall be construed either disjunctively or conjunctively, as necessary, to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.

12. The term "arrangement" means every separate contract or other agreement between two or more persons.

13. The terms "transaction" or "transact" mean any sale, transfer, giving, delivery, change in ownership, or change in possession.

14. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate, in the context of a particular question or questions.

15. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, 42 U.S.C. § 9601 et seq., RCRA, 42 U.S.C. § 6901 et seq., or their regulations found at 40 C.F.R. Part 300 or 40 C.F.R. Part 260 et seq., respectively, in which case the statutory or regulatory definitions shall apply.

16. The term "property interest" means any interest in property including, but not limited to, any ownership interest, including an easement or right of way, any interest in the rental of property, any interest in a corporation that owns or rents or owned or rented property, and any interest as either the trustee or beneficiary of trust that owns or rents, or owned or rented property.

17. The term "asset" shall include the following: real estate, building or other improvements to real estate, equipment, vehicles, furniture, inventory, supplies, customer lists, accounts receivable, interest in insurance policies, interests in partnerships, corporations and unincorporated companies, securities, patents, stocks, bonds, and other tangible as well as intangible property.

QUESTIONS

1. Identify the person(s) answering these Questions on behalf of Respondent.
2. For each and every Question contained herein, identify all persons consulted in the preparation of the answer.
3. For each and every Question contained herein, identify documents consulted, examined, or referred to in the preparation of the answer, or that contain information responsive to the Question and provide accurate copies of all such documents.
4. Provide the name and address of your registered agent. If you do not have a registered agent please so indicate.
5. If Respondent is a corporation, identify the parent corporation and all subsidiaries and successors of Respondent. Provide a corporate organizational chart for each corporate entity identified.
6. Describe in narrative form what your involvement has been with the Colorado School of Mines Research Institute (CSMRI) site (Site) located adjacent to the Colorado School of Mines campus in Golden, Colorado (location C) and/or the facility located at 5906 McIntyre Street, Golden, Colorado (location T). Include in your answer the following information (answer each item below for locations C and/or T as applicable):
 - a. The time frame during which you were involved with the Site at location C and/or T;
 - b. Describe the nature of your involvement with CSMRI;
 - c. Describe the materials, including amounts, you sent to CSMRI;
 - d. Provide a description of the intended purpose of that shipment of materials to CSMRI; and,
 - e. Describe the materials, if any, returned to you from CSMRI (from location C and/or T).
7. Provide copies of any and all documentation which relates to materials you shipped to or from the CSMRI site (either location C and/or T).
8. Describe your understanding of what operations took place at CSMRI (either location C and/or T) during the period you were involved at each Site.

9. Were you ever involved in day to day operations at the CSMRI facility located adjacent to the Colorado School of Mines Campus or at the facility located at 5906 McIntyre Street? If so, describe your involvement.

- a. Describe the nature of your involvement in operations at each location;
- b. Describe the portion of each facility owned, operated, or leased by each such person and state the dates during which each portion was owned, operated, or leased; and,
- c. Provide copies of all documents evidencing or relating to such ownership, operation or lease, including, but not limited to, purchase and sales agreements, deeds, leases, etc.

10. Identify all persons known to you who may have given, sold, transferred, or delivered any material to the CSMRI Site (either location).

11. Provide the name and address for each and every transporter who delivered materials to the Site (either location C and/or T) on your behalf.

12. Provide a list of all insurance policies (e.g., Comprehensive General Liability, Environmental Impairment Liability, Director and Officers policies) that were in effect during the period in which you were involved at the Site. Specify the insurer, policy, effective dates, and state per occurrence policy limits for each policy. Copies of policies may be provided in lieu of a narrative response.

13. Provide copies of financial statements, reports, or projections prepared by, for, or on your behalf for the past three years, whether audited or unaudited, including, but not limited to, all those filed with the Securities and Exchange Commission, State agencies, and all financial institutions such as banks.

14. Identify all persons who may be responsible for the liabilities of Respondent arising from, or relating to, the release or threatened release of hazardous substances at the Site, including, but not limited to, successors and individuals.

15. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.

16. For each and every question contained herein, if information or documents responsive to this Information Request are not in your possession, custody, or control, then identify the persons from whom such information or documents may be obtained.

NOTARIZED CERTIFICATE

I, _____, having been duly sworn and
being of legal age, hereby state:

1. I am the person authorized by _____
to respond to the Environmental Protection Agency's
(EPA's) Request for Information concerning the Colorado
School of Mines Research Institute site (SSID# N8).
2. I have made a complete and thorough review of all
documents, information, and sources relevant to the
Request.
3. I hereby certify that the attached response to EPA's
Request is complete and contains all information and
documents responsive to the Request.

(Signature)

(Print Name)

(Title)

Subscribed and sworn to me this _____ day of
_____, 1992.

[SEAL]

Notary Public

My Commission Expires _____

My address is _____

